

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALEXANDER Y USENKO,)
)
Plaintiff,)
)
vs.) No. 4:17-cv-02227-AGF
)
SUNEDISON SEMICONDUCTOR LLC,)
et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' motion (Doc. No. 40) to stay discovery pending the Court's ruling on Defendants' motion to dismiss the amended complaint for failure to state a claim.

"In deciding whether to grant a motion to stay discovery, courts may consider prejudice to the nonmoving party, hardship and inequity to the moving party, and judicial resources that would be saved by the stay." *In re: PRE-Filled Propane Tank Antitrust Litig.*, No. 14-02567-MD-W-GAF, 2015 WL 11111212, at *5 (W.D. Mo. Oct. 2, 2015).

Upon review of the record, Court finds that Defendants have presented valid reasons to stay discovery for a relatively brief period of time. Further, a ruling on the motion to dismiss could impact the scope of discovery. Conversely, Plaintiff has not made a showing that a relatively brief stay of discovery would result in any significant prejudice to him.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to stay discovery pending the Court's ruling on Defendants' motion to dismiss is **GRANTED**. (Doc. No. 40).

IT IS FURTHER ORDERED that if Defendants' motion to dismiss is denied in whole or in part, the parties shall submit within **14 days** thereafter a joint proposed scheduling plan for the continued litigation of this case. The Court will set a Rule 16 conference, if appropriate, at that time.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2017.